

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HENK MOSSEVELD et al.

Serial No.: 10/551,109

Filed: June 29, 2006

For: USE OF POLYMERS FOR STARCH MODIFICATION

Attorney Docket No.: WAS 0726 PUSA

Group Art Unit: 1796

Examiner: Karuna P. Reddy

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
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Sir:

This Reply Brief is in response to the Examiner's Answer mailed on December 1, 2010 for the above-identified patent application.

REMARKS

In the Examiner's Answer, claim rejections stand maintained with assertions that are substantially similar, if not word-for-word identical, to those previously stated. *See* pages 3 to 7 of the Examiner's Answer in relation to pages 2 to 6 of the Office Action dated November 5, 2009. Appellants submit no further remarks in this regard and believe the claim rejections have been well addressed in Appellants' Appeal Brief.

The Examiner acknowledges that *Ritter* does not teach the use of polymer in redispersible powder form as recited in the claims. *See* pages 7 to 8 of the Examiner's Answer. Appellants respectfully agree. In this regard, the possibility that the claimed composition may also include water as the claims are drafted with the open-ended transitional term "comprising" does not negate the fact that the cited art fails to teach the claimed composition containing redispersible powder that is without water.

The Examiner acknowledges that *Wendel* discloses a general polymer-to-starch weight ratio of 83 to 10⁴% (or in the reverse form of starch-to-polymer weight ratio of 1 to 120%) is completely outside the claimed range of 5 to 60% polymer to starch weight ratio. *See* page 8 of the Examiner's Answer. Appellants respectfully agree. In fact, this observation evidences that *Ritter* cannot be modified by or combined with *Wendel* otherwise suggested by the Examiner. *See* pages 7 to 11 of the Appeal Brief.

The Examiner asserts that *Wendel* discloses polymer agglomeration rather than a homogenized polymer solution as characterized by Appellants, citing lines 13 to 15 in col. 1 of *Wendel*. *See* page 9 of the Examiner's Answer. The cited portion of *Wendel* concerns prior art aqueous polymer dispersions using non-degraded starches, which, according to *Wendel*, are disadvantageous. As an improvement, *Wendel* uses degradable starches, but not the prior art non-degradable starches as surfactants to form a homogenized polymer solution whereby phase separation may be avoided. *See* lines 40-46 and 65-66 of col. 2. In this regard, Appellants respectfully submit that the Examiner's assertion is contrary to what is disclosed in *Wendel*.

The Examiner asserts “it is the examiner’s position that Ritter and Wendel are combinable.” See page 10 of the Examiner’s Answer. Appellants respectfully submit that this assertion, without more, is impermissible.

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Respectfully submitted,

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Date: January 12, 2011

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